

**Introduced by Senator Runner**

February 18, 2011

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An act to amend Section 3011 of, and to add Sections 3020.5 and 14216.5 to, the Elections Code, and to add Section 14902.5 to the Vehicle Code, relating to elections.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 802, as introduced, Runner. Elections: voting.

(1) Existing law requires that the identification envelope for returning a vote by mail ballot contain specified information.

This bill would additionally require that the identification envelope include the last 4 digits of the voter's California driver's license or identification card number or, if unavailable, the last 4 digits of the voter's social security number and a security flap to conceal the voter's information during mailing. The bill would require the elections official to verify the accuracy of that information before counting the vote.

(2) Existing law requires vote by mail ballots to be received by elections officials by the close of the polls on election day.

This bill would require that a vote by mail ballot of a member of the Armed Forces of the United States who is stationed outside of the United States be cast by election day and received by elections officials no later than 21 days after election day.

(3) Existing law requires that a person desiring to vote announce his or her name and address to a precinct worker at the polling place.

This bill would also require a person who desires to vote to show specified proof of identity. The bill would authorize a person who does not have proof of identity to vote a provisional ballot after completing an affidavit under penalty of perjury that he or she is a registered voter. The bill would require the Department of Motor Vehicles to waive the

fee for an identification card requested for satisfying the voter identification requirement.

(4) By imposing additional duties on elections officials and expanding the application of the crime of perjury, the bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3011 of the Elections Code is amended  
2 to read:

3 3011. (a) The identification envelope shall contain all of the  
4 following:

5 (1) A declaration, under penalty of perjury, stating that the voter  
6 resides within the precinct in which he or she is voting and is the  
7 person whose name appears on the envelope.

8 (2) The signature of the voter *and the last four digits of the*  
9 *voter's California driver's license number or California*  
10 *identification card number, or if the voter has neither, the last four*  
11 *digits of the voter's social security number. The signature and*  
12 *numeric identifying information must be verified as consistent with*  
13 *the voter's state or federal records, prior to counting the ballot.*

14 (3) The residence address of the voter as shown on the affidavit  
15 of registration.

16 (4) The date of signing.

17 (5) A notice that the envelope contains an official ballot and is  
18 to be opened only by the canvassing board *and only if the signature*  
19 *and numeric identifying information are verified.*

20 (6) A warning plainly stamped or printed on it that voting twice  
21 constitutes a crime.

1 (7) A warning plainly stamped or printed on it that the voter  
2 must sign the envelope in his or her own handwriting in order for  
3 the ballot to be counted.

4 (8) A statement that the voter has neither applied, nor intends  
5 to apply, for a vote by mail voter's ballot from any other  
6 jurisdiction for the same election.

7 (9) The name of the person authorized by the voter to return the  
8 vote by mail ballot pursuant to Section 3017.

9 (10) The relationship to the voter of the person authorized to  
10 return the vote by mail ballot.

11 (11) The signature of the person authorized to return the vote  
12 by mail ballot.

13 *(12) A security flap or sleeve to conceal the voter's signature*  
14 *and identifying information during mailing.*

15 (b) Except at a primary election for partisan office, and  
16 notwithstanding any other provision of law, the vote by mail voter's  
17 party affiliation may not be stamped or printed on the identification  
18 envelope.

19 SEC. 2. Section 3020.5 is added to the Elections Code, to read:

20 3020.5. Notwithstanding Section 3020, 3311, or Section 4103,  
21 or any other provision of law, a vote by mail ballot of a member  
22 of the United States Armed Forces who is an "absent uniformed  
23 services voter" as defined in subsection (1) of Section 1973ff-6 of  
24 Title 42 of the United States Code shall be timely cast if  
25 postmarked or signed and dated by election day and received by  
26 the voter's elections official no later than 21 days after election  
27 day.

28 SEC. 3. Section 14216.5 is added to the Elections Code, to  
29 read:

30 14216.5. (a) Prior to receiving a ballot, a voter shall present  
31 to a member of the precinct board proof of identity that satisfies  
32 all of the following requirements:

33 (1) The document shows the name of the individual to whom  
34 the document was issued, and the name conforms to the name in  
35 the individual's voter registration record.

36 (2) The document shows a photograph of the individual  
37 presenting the identification.

38 (3) The document includes an expiration date, and the document  
39 is not expired at the time of voting or it expired less than two years  
40 prior to the election.

1 (4) The document was issued by the United States or the State  
2 of California or is a valid tribal member identification card issued  
3 by an Indian tribe recognized by the United States government.

4 (b) If a voter is unable to, or refuses to, provide proof of identity  
5 pursuant to subdivision (a), he or she may execute a declaration,  
6 certified to be correct under penalty of perjury, declaring that he  
7 or she is registered to vote. Upon execution of the declaration, the  
8 voter shall be issued a provisional ballot pursuant to Section 14310  
9 and an envelope to be completed in the same manner as a vote by  
10 mail envelope.

11 SEC. 4. Section 14902.5 is added to the Vehicle Code, to read:

12 14902.5. The fee for an original or replacement identification  
13 card shall be waived for a person who requests the identification  
14 card for purposes of satisfying the requirement of Section 14216.5  
15 of the Elections Code.

16 SEC. 5. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution for certain  
18 costs that may be incurred by a local agency or school district  
19 because, in that regard, this act creates a new crime or infraction,  
20 eliminates a crime or infraction, or changes the penalty for a crime  
21 or infraction, within the meaning of Section 17556 of the  
22 Government Code, or changes the definition of a crime within the  
23 meaning of Section 6 of Article XIII B of the California  
24 Constitution.

25 However, if the Commission on State Mandates determines that  
26 this act contains other costs mandated by the state, reimbursement  
27 to local agencies and school districts for those costs shall be made  
28 pursuant to Part 7 (commencing with Section 17500) of Division  
29 4 of Title 2 of the Government Code.